

**ENTERED**

September 15, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

KIP EDWARDS, ET AL.,

Plaintiffs,

v.

KB HOME, ET AL.

Defendants.

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C.A. No. 3:11-cv-00240

**ORDER**

For the reasons provided in the Joint Motion for Preliminary Approval of Rule 23 Settlement Class [Doc. 269] and Motion for Final Approval of Rule 23 Settlement, it is hereby ORDERED that:

1. The Settlement Classes preliminarily certified in this matter and described in the California Rule 23 Class Settlement Agreement (“Settlement Agreement”) meet the numerosity, commonality, typicality, and adequacy requirements of Rule 23(a), as well as the predominance requirement of Rule 23(b). Accordingly, for the purpose of implementing and enforcing the Settlement Agreement only, pursuant to Rule 23 of the Federal Rules of Civil Procedure, the requested settlement classes identified in Paragraph 11 of the Settlement Agreement are certified.

2. The Class Notice in this matter is complete and has been adequate; its method of delivery to the Settlement Classes constituted the best notice practicable of the hearing for the final approval of the Settlement Agreement, of the terms of the Settlement Agreement, of the amount to be requested for attorneys' fees, litigation expenses and costs, and of the other matters set forth in the Class Notice; it constituted valid, due and sufficient notice to all persons in the proposed Settlement Classes and it complied fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States, and all other applicable laws.
3. The Settlement Agreement is APPROVED as a fair, adequate and reasonable resolution, and the parties are directed to consummate the terms and provisions of the Settlement Agreement.
4. The amounts to be paid to Class Members in accordance with Exhibit A to the Motion for Final Approval of Rule 23 Settlement are APPROVED.
5. Service awards as set forth in the Settlement Agreement in the amount of \$15,000.00 to Andrea Bejenaru and \$10,000.00 to Robin Hogan are APPROVED.
6. A Reserve Fund in the amount of \$23,500.00 to resolve any administrative issues with the settlement (such as missing checks, miscalculated amounts,

etc.) is APPROVED. At the end of a 120-day period as described in the Settlement Agreement, the Claims Administrator shall distribute the unused portion of the Reserve Fund to all Class Members using the same pro rata formula set forth in Paragraph 19 of the Settlement Agreement, except as otherwise ordered.

7. The request for Class Counsels' attorneys' fees in the amount of \$1,366,535.00 is APPROVED as fair and reasonable.
8. Reimbursement of Class Counsel's litigation expenses and costs in the amount of \$85,961.27 is APPROVED as fair and reasonable.
9. Payment to Simpluris, Inc. as Claims Administrator in the amount of \$12,500.00 for the administration of this settlement is APPROVED. Further, if an additional distribution of payments to Simpluris for the administration of this settlement is necessary, up to \$2,000.00 shall be deducted from the Reserve Fund to pay such costs.
10. An allocation of \$50,000.00 from the Gross Settlement Amount to the release of all claims of the California Class for alleged violation of the Private Attorneys General Act ("PAGA") is APPROVED. Seventy-five percent of that amount, or \$37,500, is allocated to be paid to the California Labor and Workforce Development Agency. The remaining 25%, or \$12,500, shall be divided equally among members of the California Class

who were employed by KB Home at any time on or after December 15, 2014, that is, within the year preceding the filing of the Third Amended Complaint.

11. This Court shall have continuing and exclusive jurisdiction over all matters related to the administration and consummation of the terms of the Settlement Agreement.

12. The Settlement Agreement is hereby granted final approval.

SIGNED this 15<sup>th</sup> day of September, 2016.

  
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HON. GREGG COSTA  
UNITED STATES CIRCUIT JUDGE\*

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\*Sitting by designation